



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0716

Introduced 1/25/2017, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-5
720 ILCS 5/3-6

from Ch. 38, par. 3-5
from Ch. 38, par. 3-6

Amends the Criminal Code of 2012. Provides that when the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or felony criminal sexual abuse may be commenced at any time regardless as to whether corroborating physical evidence is available or an individual who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act fails to do so. Makes conforming changes.

LRB100 05472 RLC 15483 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Sections 3-5 and 3-6 as follows:

6 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

7 Sec. 3-5. General limitations.

8 (a) A prosecution may be commenced at any time for: (1)
9 first degree murder, attempt to commit first degree murder,
10 second degree murder, involuntary manslaughter, reckless
11 homicide, leaving the scene of a motor vehicle accident
12 involving death or personal injuries under Section 11-401 of
13 the Illinois Vehicle Code, failing to give information and
14 render aid under Section 11-403 of the Illinois Vehicle Code,
15 concealment of homicidal death, treason, arson, residential
16 arson, aggravated arson, forgery, child pornography under
17 paragraph (1) of subsection (a) of Section 11-20.1, aggravated
18 child pornography under paragraph (1) of subsection (a) of
19 Section 11-20.1B; ~~or~~

20 (1.5) any of the following offenses under this Code,
21 when the victim is under 18 years of age at the time of the
22 offense:

23 (i) criminal sexual assault under Section 11-1.20;

1 (ii) aggravated criminal sexual assault under
2 Section 11-1.30;

3 (iii) predatory criminal sexual assault of a child
4 under Section 11-1.40;

5 (iv) criminal sexual abuse under subsection (a) of
6 Section 11-1.50; or

7 (v) aggravated criminal sexual abuse under Section
8 11-1.60; or

9 (2) any offense involving sexual conduct or sexual
10 penetration, as defined by Section 11-0.1 of this Code in
11 which the DNA profile of the offender is obtained and
12 entered into a DNA database within 10 years after the
13 commission of the offense, and ~~may be commenced at any~~
14 ~~time. Clause (2) of this subsection (a) applies if~~ either:

15 (i) the victim reported the offense to law enforcement
16 authorities within 3 years after the commission of the
17 offense unless a longer period for reporting the offense to
18 law enforcement authorities is provided in Section 3-6 or
19 (ii) the victim is murdered during the course of the
20 offense or within 2 years after the commission of the
21 offense.

22 (a-5) A prosecution for theft of property exceeding
23 \$100,000 in value under Section 16-1, identity theft under
24 subsection (a) of Section 16-30, aggravated identity theft
25 under subsection (b) of Section 16-30, financial exploitation
26 of an elderly person or a person with a disability under

1 Section 17-56; or any offense set forth in Article 16H or
2 Section 17-10.6 may be commenced within 7 years of the last act
3 committed in furtherance of the crime.

4 (b) Unless the statute describing the offense provides
5 otherwise, or the period of limitation is extended by Section
6 3-6, a prosecution for any offense not designated in subsection
7 (a) or (a-5) must be commenced within 3 years after the
8 commission of the offense if it is a felony, or within one year
9 and 6 months after its commission if it is a misdemeanor.

10 (Source: P.A. 98-265, eff. 1-1-14; 99-820, eff. 8-15-16.)

11 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

12 Sec. 3-6. Extended limitations. The period within which a
13 prosecution must be commenced under the provisions of Section
14 3-5 or other applicable statute is extended under the following
15 conditions:

16 (a) A prosecution for theft involving a breach of a
17 fiduciary obligation to the aggrieved person may be commenced
18 as follows:

19 (1) If the aggrieved person is a minor or a person
20 under legal disability, then during the minority or legal
21 disability or within one year after the termination
22 thereof.

23 (2) In any other instance, within one year after the
24 discovery of the offense by an aggrieved person, or by a
25 person who has legal capacity to represent an aggrieved

1 person or has a legal duty to report the offense, and is
2 not himself or herself a party to the offense; or in the
3 absence of such discovery, within one year after the proper
4 prosecuting officer becomes aware of the offense. However,
5 in no such case is the period of limitation so extended
6 more than 3 years beyond the expiration of the period
7 otherwise applicable.

8 (b) A prosecution for any offense based upon misconduct in
9 office by a public officer or employee may be commenced within
10 one year after discovery of the offense by a person having a
11 legal duty to report such offense, or in the absence of such
12 discovery, within one year after the proper prosecuting officer
13 becomes aware of the offense. However, in no such case is the
14 period of limitation so extended more than 3 years beyond the
15 expiration of the period otherwise applicable.

16 (b-5) When the victim is under 18 years of age at the time
17 of the offense, a prosecution for involuntary servitude,
18 involuntary sexual servitude of a minor, or trafficking in
19 persons and related offenses under Section 10-9 of this Code
20 may be commenced within one year of the victim attaining the
21 age of 18 years. However, in no such case shall the time period
22 for prosecution expire sooner than 3 years after the commission
23 of the offense.

24 (c) (Blank).

25 (d) A prosecution for child pornography, aggravated child
26 pornography, indecent solicitation of a child, soliciting for a

1 juvenile prostitute, juvenile pimping, exploitation of a
2 child, or promoting juvenile prostitution except for keeping a
3 place of juvenile prostitution may be commenced within one year
4 of the victim attaining the age of 18 years. However, in no
5 such case shall the time period for prosecution expire sooner
6 than 3 years after the commission of the offense. ~~When the~~
7 ~~victim is under 18 years of age, a prosecution for criminal~~
8 ~~sexual abuse may be commenced within one year of the victim~~
9 ~~attaining the age of 18 years. However, in no such case shall~~
10 ~~the time period for prosecution expire sooner than 3 years~~
11 ~~after the commission of the offense.~~

12 (e) Except as otherwise provided in subdivision (j), a
13 prosecution for any offense involving sexual conduct or sexual
14 penetration, as defined in Section 11-0.1 of this Code, where
15 the defendant was within a professional or fiduciary
16 relationship or a purported professional or fiduciary
17 relationship with the victim at the time of the commission of
18 the offense may be commenced within one year after the
19 discovery of the offense by the victim.

20 (f) A prosecution for any offense set forth in Section 44
21 of the "Environmental Protection Act", approved June 29, 1970,
22 as amended, may be commenced within 5 years after the discovery
23 of such an offense by a person or agency having the legal duty
24 to report the offense or in the absence of such discovery,
25 within 5 years after the proper prosecuting officer becomes
26 aware of the offense.

1 (f-5) A prosecution for any offense set forth in Section
2 16-30 of this Code may be commenced within 5 years after the
3 discovery of the offense by the victim of that offense.

4 (g) (Blank).

5 (h) (Blank).

6 (i) Except as otherwise provided in subdivision (j), a
7 prosecution for criminal sexual assault, aggravated criminal
8 sexual assault, or aggravated criminal sexual abuse may be
9 commenced within 10 years of the commission of the offense if
10 the victim reported the offense to law enforcement authorities
11 within 3 years after the commission of the offense.

12 Nothing in this subdivision (i) shall be construed to
13 shorten a period within which a prosecution must be commenced
14 under any other provision of this Section.

15 (i-5) A prosecution for armed robbery, home invasion,
16 kidnapping, or aggravated kidnaping may be commenced within 10
17 years of the commission of the offense if it arises out of the
18 same course of conduct and meets the criteria under one of the
19 offenses in subsection (i) of this Section.

20 (j) (1) (Blank). ~~When the victim is under 18 years of age~~
21 ~~at the time of the offense, a prosecution for criminal sexual~~
22 ~~assault, aggravated criminal sexual assault, predatory~~
23 ~~criminal sexual assault of a child, aggravated criminal sexual~~
24 ~~abuse, or felony criminal sexual abuse may be commenced at any~~
25 ~~time when corroborating physical evidence is available or an~~
26 ~~individual who is required to report an alleged or suspected~~

1 ~~commission of any of these offenses under the Abused and~~
2 ~~Neglected Child Reporting Act fails to do so.~~

3 (2) In circumstances ~~other than as described in paragraph~~
4 ~~(1) of this subsection (j)~~, when the victim is under 18 years
5 of age at the time of the offense, ~~a prosecution for criminal~~
6 ~~sexual assault, aggravated criminal sexual assault, predatory~~
7 ~~criminal sexual assault of a child, aggravated criminal sexual~~
8 ~~abuse, or felony criminal sexual abuse, or~~ a prosecution for
9 failure of a person who is required to report an alleged or
10 suspected commission of any of the these offenses described in
11 clause (1.5) of subsection (a) of Section 3-5 of this Code
12 under the Abused and Neglected Child Reporting Act may be
13 commenced within 20 years after the child victim attains 18
14 years of age.

15 (3) When the victim is under 18 years of age at the time of
16 the offense, a prosecution for misdemeanor criminal sexual
17 abuse may be commenced within 10 years after the child victim
18 attains 18 years of age.

19 (4) Nothing in this subdivision (j) shall be construed to
20 shorten a period within which a prosecution must be commenced
21 under any other provision of this Section.

22 (j-5) A prosecution for armed robbery, home invasion,
23 kidnapping, or aggravated kidnaping may be commenced at any
24 time if it arises out of the same course of conduct and meets
25 the criteria under one of the offenses in subsection (j) of
26 this Section.

1 (k) (Blank).

2 (l) A prosecution for any offense set forth in Section 26-4
3 of this Code may be commenced within one year after the
4 discovery of the offense by the victim of that offense.

5 (Source: P.A. 98-293, eff. 1-1-14; 98-379, eff. 1-1-14; 98-756,
6 eff. 7-16-14; 99-234, eff. 8-3-15; 99-820, eff. 8-15-16.)